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1.35
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James Hamilton
Iowa City

Supreme

Supreme Court

Johnson County

Minute Book

7.5

July Term 1842.

January 1843

7.01¾
1.87½
8.89¼

7.7.25

13.5.50

Hanson & Hepburn

47.50
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Supreme Court July Term 1842.

At a Supreme Court began and held in and for the Territory of Iowa at the Court House in Iowa City, on the 4th day of July 1842 —

Present the Honorable

This being the day on which the Supreme Court in and for this Territory should meet & sit, and there not being present any of the Justices of said Court to proceed to business the Court accordingly stands adjourned until tomorrow at 10 o'clock — A.M. —

Tuesday Morning July 5. 1842 —

This day the hour having arrived for the meeting of the Supreme Court, and there not being present any of the Justices of said Court, - the said Court stands adjourned until to morrow Morning 10 o'clock —

Wesday Morning July 6. 1842

This day the hour having arrived for the meeting of the Supreme Court and there not being present any of the Judges of said Court, the said Court stands adjourned until to morrow Morning 10 o'clock —

January Term 1843

At a Supreme Court began and held in and for the Territory of Iowa, at Iowa City on monday the 2nd day of January 1843 —

Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate Justices
T. S. Wilson }

Rice vs Mortimore, Deft filed motion & ~~Brief~~ & time given Plff until 3rd day to furnish points ~~& Brief~~ L.D. Stockton Jonafee made Deft's Atty.

Ramsey vs Duke, Deft. filed motion to Dismiss —

Isett vs David, Deft filed motion to Dismiss —

Mendell & Gahlin vs Denny, Deft filed motion to Dismiss — mo. argued & Court took time to consider

McKell vs Neil & wife, Deft files motion to Dismiss

Moore vs Bridgman & Partridge Deft filed motion to Dismiss —

Keys vs Isett — Plff filed motion & Statement & ordered that certiorari issue — & on motion Plff continued —

Dice vs Yarnell — Plff filed motion for certiorari

William W. Hadden vs Mecashak Lisley & Jas. Ha Plff filed certificate of Clerk & moves to ~~for Judgm~~

January Term 1843

Samuel M. Summers, John P. Cook Asa Balkin M. C. Reagan, Daniel F. Miller, Curtis Bates, & Scott Richman Ebenezer Cook — Robin C. Breckenridge, Jam P. Carlton John G. Bethel, Jacob Butler, George G. Wright, Salter A. Patterson, Sworn and admitted as attorneys at Law in this Court —

Headly vs Fitz Dismissed at Plffs costs

~~Headly vs Fitz Dismissed at Plffs costs~~

Elch Ramsey vs McArthur ~~Dismissed at Plffs~~ Dismissed at Plffs Cost —

Nye vs Sweargen Deft files notice to Dismiss —

Davis vs Brady & Co. Dismissed at Plffs Cost —

Packard vs United States, Continued

Parson vs Hughes Dismissed at Plffs cost

~~Matthews vs Bailey, Cause reversed~~ —

Hoyt vs Bennett Cont'd.

~~Davis vs Stockwell & Co.~~

US. vs Donnell 2 Cases, Submitted —

January Term 1843 cont

Stone vs Walker, Continued by Consent

Walker vs Ayers & Ors. Submitted

Sasscer vs Leitch leave given Deff until 3rd day to file Assignment of Errors

Warfield vs Isett Leave given Deft to withdraw papers —

~~Haines vs Sigler — on motion Plff, &~~
Haines vs Sigler - leave given Plff to 3rd day of term to file Assignment of Errors —

ordered that Court adjourn until 9 o'clock tomorrow —

Tuesday morning January 3rd 1843
Court met pursuant to
adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thomas S. Wilson } Justices

Mundel & Hastings Dening. Defts motion to
Dismiss overruled —

~~Stott vs David, Defts motion to Dismiss overruled~~

Rice vs Mortimore Deft Counsel filed
Statement for Certiorari — Cont'd until to-morrow

McGregor vs Burnside Deft files motion
to Dismiss — Motion continues

Litch vs Sappington motion to Dismiss
filed —

Duncan vs Lee By consent parties
Judgment Reversed with Cost — 1st argument

Hadden vs Ligler motion to Dismiss writ
of Error filed —

Parsons vs Richardson Argued & Submitted

Ordered that Court adjourn until
9 o'clock to-morrow

Wednesday morning Janry. 4 1843
Court met agreeable to adjournment
Present Honorable Charles Mason
& Thomas S. Wilson

John S. Dunbar, G. N. Bowie & H. D. Mills
sworn as attorneys —

Isett vs Davis judgment affirmed

Davis vs Brady & Co. on mo. Pffs attorney
Dismissed at Pffs cost —

Parson vs Hughes. Dismissed at Pffs Cost

Moore vs Bridgman & Partridge, Submitted

Neudel & Yahling vs Denny, Submitted

McKell vs Neil & wife, Submitted

Madera &c. vs George Jones use &c. Submitted

Hughes vs McCoy, Submitted

Moore & c. vs McNulty, Submitted

It is ordered that R. P. Lowe James Grant
P. C. Hall, J. P. Carlton and M. H. Starr Esqrs
be appointed committee to adopt rules
for this court and that they report to this
court —

Green vs Phillips, Dismissed at Pffs cost
for reasons on file

January Term 1843 —

Trimble vs Israel — by consent dismissed at Pffs cost & procedendo to issue

Haines vs Sigler ordered that the mit of certiorari issue & cont'd —

Welch vs Wetzler on mo. of Deft mit of Error Dismissed by Consent & mit of procedendo to issue —

Brinton & others vs Galbraith & c. Disposed of as per agreement (see it)

Rice vs Mortimore, Deft. moved for certiorari Mo. argued ~~& Court took time~~ and ordered that certiorari issue returnable forthwith, and by Consent of parties the Transcript was amended.

Romaine vs Board of Comrs. cont'd by Consent

Briggs vs Shortridge Submitted on argument

Thursday Janry 5. 1843 Court met
Agreeably to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thomas S. Wilson } Justices

Litch vs Sappington, Death of plff suggested

~~Clark vs Laughlin~~

Wm B. Ewing & Son vs M. M. Chapman & John Pierson
Writ of Error Dismissed Judgment for 10 per cent
damages & costs in this Court —

Ewing & Logan vs Wm M. Chapman
Writ of Error Dismissed, Judgment for 10 per
cent damages & costs in this Court —

I. B & P. G. Camden vs Isaac Johnson
Writ of Error Dismissed Judgment for 10 per
Cent Damages & Costs in this Court —

~~Peck vs McElligan, submitted~~

McGregor vs Burnside, Defts motion to Dismiss
for reasons on file — Mo. Sustained and cause
Writ of Error Dismissed —

Donaldson vs Finch's Admrs mo. Deft writ of
Error Dismissed —

Strong Burnell vs Benj. Doolittle, motion
of Deft Writ of Error Dismissed with 10 per
cent damages

Donaldson vs Le claire, Deft mo. writ of
Error Dismissed

Same vs Same, Same order

✓ Porter & Brazelton vs Moffett, Submitted by c

✓ Matthews vs Tally et al. Submitted

On motion W. A. Harrison & H. H. Lee, Thomas Rogers, O. C. Ward & W. R. Rankin sworn admitted to practice in this Court —

✓ Briggs vs Dickey, on motion Pltff's writ of Error Dismissed — with 10 per damages & procedendo to issue —

✓ John T. Moberly vs Cole, same order

✓ Hadden vs Sizler & Race, m. o. Pltff's writ of Error Dismissed — with costs —

✓ Porter vs Lane, Submitted

✓ King vs Mall Submitted

✓ Zickafoose vs Hulick Submitted

✓ Hughes vs McCutchen Submitted

✓ Davis vs Morford — on mo. of Defts Dismissed

✓ Oliver vs Glover by consent Submitted without argument —

✓ Ins vs John Ross by consent Submitted —

✓ Straub vs Coleman mo. of Pltff's writ of Error Dismissed with costs.

✓ Hotchkiss vs Thompson [illegible] Submitted

The committee appointed to revise the rules of practice of this Court this day made their report. —

Ordered that Court adjourn until 10 o'clock.

Friday January 6th 1843 Court met agreeably to adjournment

Present the Honorable Charles Mason Ch. Justice
Joseph Williams

Wilson vs Arnphell, Statement filed & ordered that certiora issue and cause contd —

2 cases O'Connell vs U.S. Court Delivered opinion Reversing the Judgment below. —

James Scott, John Scott, Joseph Caraway and William Dennehy Scott vs U.S. Court delivered opinion Judgment below affirmed

Wm. S. Chancery from Louisa
Valentine Faulkner vs Campbell — Court delivered Decree ~~affirmed~~ Reversed

David Miller and Faulkner vs Campbell, Depty L McGuire opinion delivered. Decree reversed

Alton Lapointe et al - from Clayton
U.S. vs Lapaire, Opinon delivered, reversing the Judgment of District Court

Pierson vs Richardson opinion delivered reversing the judgment —

Fanning vs McLaughlin on mo. Dft mit of Error Dismissed with costs —

Cook vs Ricker & Bartlett — Defts moved to dismiss writ of Error ~~not of Error~~ appeals for reasons on file and dismissed

McGregor vs Burnsides — writ of Error dismissed with costs —

Litch vs Sappington, Deft moved to dismiss writ of Error — rule sustained with costs

Peck vs McClellan Deft moved to dismiss writ of Error for reasons on file — rule sustained & writ dismissed with costs —

Jackson vs Butler & Fletcher, certiorari to issue returnable on Monday next. —

Kerr vs Stewart, Deft moved to Dismiss the writ of Error for reasons on file — Motion overruled — & case stricken from Docket

John C. Sluth vs Jacob Cutler adm'r &c. on motion Pff's a rule granted against James Cannon late Sheriff of Desmonies County returnable forthwith ~~to shew~~ to shew cause why he has not returned the Execution which issued in this case for costs —

Hudson vs Brenttinger — same order

Harrell vs Stringfield — same order

Settle vs Henson — same order

Sluth vs Cutler adm'r &c. same order

Wilkie & Sallee vs Jones same order

Kirshbaum vs Hogan & Thompson, Same Order

Lyon vs Smith, Submitted.

Beaman vs McCall Rule as above

Kirshbaum vs Hogan & Thompson, Same order

Tyer vs Swearengen, ~~Judgment affirmed~~ Dismissed and Judgment rendered for 10 per cent damages

Tye vs Rhodes & Co. Same order

Sprague use &c. vs Moore Dismissed on mo. of Deft.

On Motion S. Heaman Esqr. sworn as attorney in this court.

Ordered that Court adjourn until Tuesday 2 O'Clock

January Term 1843.—

Tuesday January 10th 1843

Court met agreeably to adjournment. Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thos. S. Wilson } Justices

Joseph Williams

John C. Tomlinson vs John Culbertson, Defts
filed certificate of Clerk below

Sampson vs Death, on Mot. Deft transcript filed writ of Error dismissed — with costs —

Witherbee vs Duncan, Writ of Error transcript filed dismissed with costs —

Perry & Loocte vs ogdvie Submitted on written arguments. —

David vs Stockwell & Co. on motion of Defts. judgment affirmed — and judgment in this court. —

McAlhenny & Wilson vs Cole, writ of Error Dismissed for reasons on file by Defts —

Williams vs Fountain, Reversed by consent writ of procedendo to issue —

Howard vs Kerr, Leave given Plff to argue application of Defts

Rice vs Mortimore, Submitted on written argument

Starr vs Carothers, by consent Judgment affirmed & procedendo issue —

Turnecliff vs Boyles & Wilhelm, Submitted.

Brown vs Anderson, Submitted on written arguments.

On Mo. William L. Gilbert sworn as attorney in this Court —

Harlef & Adams vs U.S. argued & Submitted

Ordered that Court adjourn until to morrow ~~morning~~ 10 o'clock.

Wednesday. January 11. 1843 Court met agreedbly to adjournment

Present the Honorable
Charles Mason. Chief Justice
Joseph Williams Associate
Thos. L. Wilson } Justices

Joseph M. Parker vs Richard Stewart, certificate of Clerk of the court below filed, and Appeal dismissed with costs.—

Ober vs Glover — opinion Delivered affirming Judgment court below.—

Sampson vs Death, Deft filed transcript and writ of Error Dismissed with 10 per cent damages & costs.—

Houston vs U.S. Cases Submitted

Sample vs Hughes, Reversed by consent and remanded — all Defts costs.—

Moore et al vs McAuley the Court being advised Dismissed the writ of Error —

Porter et al vs Moffett same order reversed—

McKell vs Neil & wife — same order Reversed—

Briggs vs Shortridge — same order reversed —

Wendel & Fahling vs Denny — same order affirmed & Judgment rendered here —

Holchkiss vs Thompson same order affirmed

January Term 1843 —

Boggs vs Hendrickson, cause coming on to be heard — Court affirmed the judgment below. —

Matthews vs Tally &c. same order judgment affirmed —

Hughes vs McCutchen same order reversed and repleader awarded —

Anderson vs Brown same order Affirmed & Judgment here —

Davidson vs Wheeler; leave given plff to amend assignment of Errors, on judgment of costs occasioned by such improper pleading — and Deft withdrew demurrer to assignment of Errors. —

(Davis vs Stockwell &c on mo. of Deft judgment set aside — Judgment affirmed with 10 per cent damages & costs. — Dismissed. —

Wilson &c. vs Meyer. on motion of Deft. writ of Error Dismissed with 10 per cent damages & costs — (See memo in loose bundle)

Wilson &c. vs Meyer &c. Same order

Board of Comrs. of Jefferson County vs Mirin & Ratliff Deft files Certificate of Clerk — & files motion, & writ of Error dismissed with 10 per cent damages & costs —

James Lawman vs Eli E. Kirk — Same order

James Lawman vs Eli E. Kirk — Same order

Hayden vs Hastings By Consent Judgment Reversed leave given pff to Withdraw Plead Judgment rendered for pltff — for $400.64 cts: in Damages

Case of Do at 3½

Davis & Richey vs Board of Com^rs of Muscatine County, Submitted

Nelson vs United States Submitted

Hughes & Co. vs Hogan & Co. Submitted

Cropper vs United States, Submitted

Dice vs Yarnell Submitted

Hendershott & Co. vs Thompson Submitted

Woods vs Morgan & Co. Submitted

Hodges vs United States- Submitted

Coutch & Kuismans vs Barton- Continued

Switzers vs Gowdy— Submitted

Rogers vs Board of Com^rs of Henry County &c. Submitted

Mathias Antrim Submitted

Lewis vs United States Submitted

Humphreys vs Bridgman & Co. Submitted

Snyder vs Ropes Submitted

Snyder vs Humphreys Submitted

Chord vs McCoy Contd

Cook Et al vs Mounts Dismissed

Same vs Same Dismissed

Phillips vs Runnels Contd

Gordon & Washburn vs Janney & c. Submitted

Dickinson vs Chase & c. Contd

Clark vs Parvin Contd

Ordered that Court adjourn until
to-morrow 2 O Clock P.M.

Thursday January 12. 1843

Court met pursuant to adjournment

Present the Honorable Charles Mason chief Justice
Joseph Williams
Thos. S. Wilson
} Associate Justices.

Hogan & Co vs Hughes & Co. Mo to dismiss Case sustained and damages assessed at $5 & Costs —

Aldrick vs Comfort & Davis Bill Dismissed and injunction dissolved with 10 per. cent additional damages

Henson vs U.S. Dismissed & procedendo —

Phares vs Arrosmith. Appeal Dismissed on Mo of Appellee — for reasons on file — with Costs. —

Davis vs County Comrs Affirmed

Ms. vs John Ros Affirmed & procedendo.

Humphreys vs Bridgman & Co. Reversed

Perry & Lovett vs Oglevie Reversed

Harlep & Adams vs U States Reversed

Wright vs Antrim affirmed

Houston vs U. States 2 Cases affirmed

Zickafoose vs Aulick affirmed —

Colcord & Co. vs Hunch Reversed

January Term 1843 -

Woods vs Morgan & c. Affirmed & Judgment Rendered -

Porter & Brazelton vs Moffett - motion overruled to take bill confessed -

Warfield & Williams vs Isett, Deft moved the Court to dismiss this writ of Error with damages per cent. filed, which being heard, Mo. Sustained Writ of Error Dismissed with 10 per cent damages.

James Wilson Esqr. Sworn & admitted to practice as attorney in this Court. -

Butler vs Ms. Judgment Reversed.

Sylvider vs Milford argued & Submitted

Ordered that Court adjourn until 2 o'clock tomorrow. -

Friday January 13. 1843 Court
met agreeably to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thomas S. Wilson } Justices

Kerr vs Stewart — on mo of Defft writ of
Certiorari awarded to the Court below Return-
=able on Wednesday Morning —

Gordon & Washburn vs Janney & Co. affirmed —

Croppen vs U. States affirmed

Lyon vs Smith affirmed

Hendershott vs Thompson affirmed

Turnbull vs Beyler & Wilhelm affirmed

King vs Wall affirmed.

James Cameron vs Benjamin Benson principal
and Jas M. Woodward J. A. Bradford
Def. filed Certificate & cause dismissed
~~with Costs~~ with Costs.

Moore vs Bridgman & Partridge Contd.

Croppen vs U. States, said Croppen personally appeared in open Court, and the Court passed Sentence that he be imprisoned in Gaol of Johnson County for 6 Calender Months agreeable to the Verdict — & that he pay Costs of Prosecution

✓ Davisons v Wheeler Leave given Deft to amend assignment of Errors - argued & submitted

✓ Chapman vs Errington Deft filed Certificate of Clerk below, and on his motion, writ of Error Dismissed with damages & costs. —

✓ Davis & Snyder vs Board of Comrs. of Tuscaloosa County - Judgment of the Court affirmed and leave given to Defts to withdraw Set off. —

✓ Reed & others vs Musgrave cont. —

✓ Clarke vs Gibson cont. —

✓ Bradford vs Board of Comrs. of Jackson County — Submitted —

✓ Snyder vs Humphreys Submitted —

✓ Thompson vs Vanderschott on motion of Thompson order that Execution issue instanter. —

✓ Woods &c. vs Morgans, on motion order that Execution issue instanter —

✓ Anderson vs Brown, same order

✓ Swearengen vs Frye same order & procedendo.

✓ Gordon vs Washburn vs Jaunay &c. same as to Execution —

✓ Hall vs King same order —

✓ Sampson vs Death same order.

✓ Clarke use &c. vs Laughlin Submitted—

✓ Marmstaff vs Dallarhide Submitted—

Ordered that court adjourn until tomorrow at 2 oclock

Saturday, January 14. 1843

Court met agreeably to adjournment

Present the honorable

Charles Mason Ch Justice

Joseph Williams } Associate

Thos. S. Wilson } Justices—

Jno A Parvin vs Josiah Parvin mo. for damages overruled— ~~Dft~~ on motion Dft

✓ Judgment affirmed & Judgment rendered thereon.—

✓ Longdon vs Beard, Judgment of Court affirmed & Judgment rendered here—

Fitzer Driscall vs Brown Deft filed certificate

✓ of Clerk — and writ of Error dismissed with ten per cent damages.—

✓ John David and Charles Negus sworn & admitted as attorneys at Law.—

Samuel Shuffleton & Houghland vs Fitzpatrick & Co.
Dft filed certificate of Clerk & mit dismiss
ten per cent damages —

Moore vs Hall cont.

Burge vs Burns submitted

Gordon & Tannehill vs Atkinson affirmed

Porter vs Lane affirmed

Bronstaff vs Dollarhide Reversed —

Burge vs Burns & Snyder, Dfts mo to dismiss
overruled —

Lewis vs U States affirmed —

Arozen vs U. States affirmed —

ordered that Court adjourn
until Monday 2 o-clock. —

January Term 1843

Monday January 16. 1843 —
Court met agreeably to adjournment
Present the Honorable
Chas Mason Chief Justice
Thos S. Wilson associate Justice —

Madera & ux vs Jones — affirmed.

Walker, et al vs Ayers affirmed
Larceny

U.S. vs Everest Reversed, writ of procendo issue directed to the Judge —

Chalfant vs U.S. affirmed.

Bradford vs Com'th of Jackson city. affirmed

Silas M. Harber & others vs Alexander Levi —
On motion of Plffs — he having filed a transcript of the record — & affidavit — a certiora awarded —

Wallack & Hooks vs Smith — The Defts. entered his voluntary appearance — and it is ordered that this cause be docketted

Wm M. Coriell vs Charless & Blow — Appellee filed transcript and appeal dismissed —

Wm M. Coriell &c. vs Pleasants & Atherton & anne —

Wilson vs Webster, ~~by consent~~ Submitted

Marsh. Lee & Delevan vs Reddeck's heirs — Appl dismissed — on mo. appellants — & leave given them to withdraw papers —

Larmore & Gratiot vs State Bank of Illinois, ~~court until adjourned Term.~~ — Submitted. —

Burgess Burgess — Dismissed on mo. of Deft.

~~United State on relation &c. vs~~

Ordered that Court adjourn until tomorrow morning 9 o'clock. —

Tuesday morning Janry. 17. 1843

Court met pursuant to adjournment

Present the Honorable

~~Charles Mason Chief Justice~~

Joseph Williams & Associate

Thomas S. Wilson } Justices

John S. Tomlinson vs John Culbertson — certificate filed & dismissed — but to be open until the adjourned term. —

Marshall & Whitesides vs Bush — ~~Appellees~~ Motion to dismiss appeal & with damages —

John Marbertson & Co. vs Edmund Mattox & C., ~~appellees~~ filed Transcript — & motion to dismiss appeal with damages —

Edgar vs Lowe Reversed

Larmore & Co. vs State Bank Illinois — affirmed —

Do Little vs Harrington & Co. Affirmed —

Snyder vs Roper, affirmed

Meigs vs Parker affirmed & procedendo. —

Clark vs Gibson taken under advisement

Fitch vs Richardson, Same order

It is ordered that Peter H. Patterson and George G. Hampton are appointed Commissioners in Bankruptcy in this Court. —

Hallock and Cook vs Smith, on motion of Deft rule granted against Plff to return-able to 2nd Monday in May next for reason or file —

Ordered Court adjourn until tomorrow morning 8½ o'clock

Wednesday morning January 18. 1843
Court met pursuant to adjournment
Present the Honorable
Joseph Williams } Associate
Thos. S. Miles } Justices

Nye vs Wile — affirmed & procedendo —

Jackson vs Fletcher & Butler affirmed

Briggs vs Shortridge — Affidavits for retraxing —

Mary G. Davis discharged from custody of Sheriff —

William M. Cornell vs William H. D. Wolfe, on motion of Deft appeal dismissed with costs. Writ procedendo awarded

Brandon [illegible] Writ procedendo —

Dunn vs [illegible]

McLaughlin vs Fanning, damages 10 per cent & former award, $12.30 —

Marshall & Rutledge vs Bush & Co & Agnew appeal

Stewart vs Kerr — on motion Deft the certiora ~~ipsus returnable to the 3rd Monday in January Inst.~~ Dismissed — & cause dismissed —

It is ordered that the rules adopted at this Court be recorded and are as follows (viz):

✓ Barbers vs Levi — Leave given Pltfs attorney to withdraw Transcript —

✓ Cooks vs Ricker & Bartlett — Leave given the Pltf to withdraw the transcript filed herein

Orders that Court adjourn until Monday the 8th day of May next

Monday May 8th 1843 Court met
pursuant to adjournment
Present the Honorable
Charles Mason, Chief Justice
Joseph Williams & Associate
Thos. S. Wilson & Justices

Dollarhide vs vs. Affirmed

Faulkner vs Campbell compt filed petition
for rehearing —

Mellen & Faulkner vs McGuire — same

McConnell vs Gardner Submitted. —

Roberts vs Smith cont'd

Wm M. Coriell vs Andrew Ressacker — on motion
of Defts Appeal dismissed — & writ of procedendo
awarded. —

Orders that Court adjourn until
tomorrow at 8 o'clock —

Tuesday morning May 9. 1843
Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams Associate
Thos. S. Wilson } Justices

Marshall & Whitesides vs Bush motion to dismiss overruled —

Faulkner vs Campbell } Comptt filed motion
Miller & Faulkner vs McClure } for rehearing —

Culbertson vs Tomlinson — Deft moved to have Judgt of Dismission set aside — mo. sustained & Judgt set aside

Benjamin Benson vs James Cannon — The plaintiff filed petition & James M. Morris Attorney for the plaintiff — and on his motion the order of dismission made in this cause at the present term of this court be set aside and that the cause be redocketted and cont'd and it is further ordered that the writ of procedendo issued to the court below be revoked and that the proceedings had under the same be & they are hereby stayed until further order of this court — and it is also further ordered that the execution that issued for costs & damages from this court & now in the hands of the Sheriff of Decmoines County be returned by the said Sheriff —

Marshall & Whitesides vs Bush Submitted having been argued —

Harber & c. vs Levi – Argued and Submitted

Ordered that Court adjourn until to morrow morning 9 o'clock

Wednesday Morning May 10. 1843
Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thos. S. Wilson } Justices

McKee vs Neil & wife – on motion of Defts a rule is granted against Plaintiff returnable 1st day next Term to shew cause why the Judgment rendered in this cause shall not be setaside and the cause is continued

Jonas Clark Et al. vs White & Smith – on motion of Defts a rule is granted against Pltf returnable on tomorrow morning to shew cause if any he can why they shall not give additional security in the writ of Error bond. –

Lewis & c. vs Abram Wilson's Devisees argued and submitted to the court –

Petrikin Assignee & c. vs Timothy Davis, Argued and submitted to the court. –

Harbertson & c. vs Edmund Mattox & c. argued & submitted to the court. –

Levi vs Thompson &c. Argued and submitted to the Court. —

Ordered that Court adjourn until tomorrow morning 8 o'clock

Thursday morning May 11. 1843
Court met pursuant to adjournment
Present the Honorable
Charles Macon Chief Justice
Joseph Williams } Associate
Thos. S. Wilson } Justices

John D. Berry vs Wm Burke &c. Appeal — Deft's files Certificate & mo. & Appeal Dismissed — & procedendo awarded. —

Hallack & Booth vs Smith — mo overruled —

Clark & co vs White & Smith mo overruled. —

Briggs vs Shortridge — Compt filed petition for rehearing and md argued and overruled —
Leave given Compt to withdraw the papers filed in this cause, but to return them again — and the Decree rendered in this cause is so amended that the the Compt. have leave to withdraw the Deed tendered to him in the Court below & referred to as marked A. W."
to enable the Compt to file a bill of review

Clark & co. vs White & Smith — the plffs appeared under the rule — and it is ordered by the Court that the plffs give additional security in the writ of Error bond within sixty days & file in this office to be approved of by the Honorable Joseph Williams, and in case of failure

do to do — It is then ordered by the Court that the writ of Error herein be dismissed at plffs costs and that a writ of procedendo issue to the clerk of the court below accordingly —

Kerr vs Stewart Reversed

Dice vs Yarnell Affirmed

Clark for use &c. vs Laughlin Reversed

Davison vs Wheeler Reversed

Fitch vs Richardson Affirmed. Will not issue execution for pres

Levi vs Thompson &c. Affirmed, and the Compt gave notice of an appeal to the Supreme Court of the United States — to give bond in penalty of $200 —

Dawes vs Davis — mo to dismiss appeal sus= tained & appeal dismissed — & writ of procedendo —

Wilson's Admrs vs ~~Smith et al~~ — affirmed — and Davis adm'r of Wilson

Robert Walker & Peter A. Sommer vs Samuel Lewis & al affirmed — and leave given Plffs to withdraw the original papers filed in this Cause, and that they must hereafter file a certified transcript from the court below —

U.S. on relation of Jones vs Fanning, appeal the appeal dismissed by plaintiff and writ of procedendo awarded — and on motion of plff leave is given him to withdraw the transcript & papers filed in this cause for the purpose of suing out a writ of Error on sd. transcript.

Switzer vs Gowdy — affirmed —

Hurd vs Ditchet County Bank — argued & submitted

Maguire vs Bissell & Shaw — argued & submitted. —

Rules vs James Cameron late Sheriff of Desmoines County 9 cases —

It is ordered by the Court that the said James Cameron pay the costs accrued on the said rules that in case he does not do so that he show cause on or before the 2nd day of the next term of this Court why he does not pay the same.